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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/759,845 | 01/12/2001 | Pierre D. Grondin | PGI6044P0310US | 1863 |

32116 7590 02/18/2004

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
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CHICAGO, IL 60661

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| EXAMINER |
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GUARRIELLO, JOHN J

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| ART UNIT | PAPER NUMBER |
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1771

DATE MAILED: 02/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|---------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 09/759,845 | Applicant(s) GRONDIN ET AL. | |
| | Examiner John J. Guarriello | Art Unit 1771 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/17/2003, 9/4/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

15. The Examiner acknowledges the response of 11/17/2003, the RCE of 9/4/2003, and the amendment of 9/4/2003.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim et al. 5,308,691 in view of English et al. 5,837,352 and Doyle et al. 6,541,072.

Lim describes a composite sheet corresponding to the claimed laminate, (see abstract). Lim describes the spunbonded polypropylene fiber sheet with high water vapor penetration which can be used for housewrap, (see abstract). Lim describes the basis weight of the spunbonded polypropylene is about 17-100 g/ square meter which overlaps the amount in the claimed invention, (column 2,

lines 49-51). Lim describes a spunbond sheet with a meltblown layer, (column 3, lines 34-43), with the desired microporosity and barrier properties corresponding to the claimed breathable film coating of the claimed invention. Lim describes machine direction and cross direction tensile strengths in Table 1, (column 6, lines 15-28). Lim differs from the claimed invention because it describes a meltblown layer and does not state film.

English describes a film/non-woven laminate, (see abstract). English describes other uses with films being breathable, (column 1, lines 34-35). English describes the laminate to be breathable, (column 3, lines 30-34). English describes film layer may be single or mono layer which corresponds to the claimed monolithic layer of the claimed invention, (column 4, lines 59-67). English describes the film forming polymers are acrylates or polyester, (column 4, lines 66-67; column 5, lines 1-14). English describes the spunbond web can be polypropylene, (column 7, lines 66-67; column 8, lines 1-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the breathable mono

acrylic polymers or polyester of English for the porous meltblown layer of Lim motivated with the expectation that improved water vapor transmission rates would be evidenced as noted by English, (column 4, lines 9-14).

Regarding the amounts of the components of the breathable coating film, one of ordinary skill in this art would be able to optimize these parameters because the references describes the basic chemistry and structure of the claimed laminate, and desires the same performance standards for a protective article which would correspond to housewrap, (column 1, lines 22-25) of Doyle.

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bevins et al. 6,497,691 describes breathable barrier layers, see abstract, column 2, lines 12-46.

Branham describes breathable polymer film in an article, (see abstract; column 5, lines 40-65).

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J.

Guarriello whose telephone number is 571-272-1476. The examiner can normally be reached on Monday to Friday from 7:30 am to 4 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private Pair or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).


John J. Guarriello:gj

Patent Examiner

February 3, 2004


TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700